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10 Counsel for Defendant HERRERA-VALENZUELA

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12 IN THE UNITED STATES DISTRICT COURT
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14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA,) No. CR-08-0359 MMC
18 Plaintiff,)
19 v.) STIPULATION AND [PROPOSED]
20 ADOLFO HERRERA-VALENZUELA,) ORDER TO CONTINUE CHANGE OF
21 Defendant.) PLEA/STATUS CONFERENCE
22 _____)

23 A change of plea/status conference hearing in the above-captioned case is scheduled
24 before this Court for Wednesday, October 15, 2008 at 2:30 pm. Defense counsel, however, will
25 most likely be in trial on another matter at that time and will be unavailable for the change of
26 plea/status conference hearing.

27 Accordingly, the parties hereby jointly stipulate to continue the change of plea/status
28 conference hearing in this matter to November 5, 2008 at 2:30 pm.

29 The parties further stipulate and ask that time be excluded from the Speedy Trial Act
30 calculations from October 15, 2008, through November 5, 2008, for effective preparation of
31 defense counsel and continuity of defense counsel. The parties represent that granting the
32 continuance was the reasonable time necessary for effective preparation and continuity of defense

1 counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(8)(B)(iv).
2 The parties also agreed that the ends of justice served by granting such a continuance outweighed
3 the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. §
4 3161(h)(8)(A).

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6 IT IS SO STIPULATED.

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8 September 30, 2008
9 DATED

/s/
OWEN MARTIKAN
Assistant United States Attorney

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12 September 30, 2008
13 DATED

/s/
JODI LINKER
Assistant Federal Public Defender

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IT IS SO ORDERED. except the change of plea/status conference is continued to
November 12, 2008.

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October 1, 2008
DATED


MAXINE M. CHESNEY
United States District Judge

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